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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,219	12/03/2003	Brian John Roberts	12406/88	7993
26646	7590	02/06/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			KARKHANIS, AASHISH	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 02/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,219	<b>Applicant(s)</b> ROBERTS, BRIAN JOHN	
	<b>Examiner</b> Aashish Karkhanis	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-22 and 24-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-22 and 24-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1 – 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Bouedec (U.S. Patent 5,628,684).

Regarding Claims 1 and 5 – 7, Bouedec discloses a lottery ticket (fig. 1, elem. T1) having a bar code (fig. 1, elem. D1), instant game information (fig. 1, elems. S1, S2), and a preprinted scratch-off removable portion (fig. 1, elem. 7). A lottery ticket dispenser (fig. 1, elem. 12) reads a bar code optically (fig. 1, elem. 13), which must inherently include a bar code reader. An input device (fig. 1, elem. 10) accepts the indication of a player to participate in an interactive game when a player inserts a card into an input device (col. 4, lins. 66 – 67; col. 5, lins. 1 – 2). A central computer receives lottery ticket information and authorizes a remote computer to allow play of an interactive game (col. 5, lins. 2 – 7). An input device for playing an interactive game may be remote from a game terminal (fig. 1, elems. 10, 12) or may be combined into one device (col. 2, lins. 63 – 64).

Regarding Claim 2, Bouedec discloses a printer for printing interactive game information on a lottery ticket (col. 4, lins. 26 – 28).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3 – 4, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouedec in view of ST-Denis (U.S. Patent ST-Denis (U.S. Patent Application Publication US 2001/0039210 A1).

Regarding Claims 3, 9 – 10, 12 – 18, 20, 22 and 24 – 25, Bouedec discloses a method playing a lottery game where a player purchases a lottery ticket (col. 4, lin. 62) having a bar code (fig. 1, elem. D1), instant game information (fig. 1, elems. S1, S2), and a scratch-off removable portion (fig. 1, elem. 7). A lottery ticket dispenser reads a bar code optically (fig. 1, elem. 13), where interactive game information is generated at a central computer site (col. 2, lins. 7 – 9). Interactive information on a lottery ticket is initiated by determining if a lottery ticket is a winning ticket, and therefore eligible for use in an interactive game. Since a winning instant game ticket is required to play an interactive game, preprinted interactive game information and preprinted instant game information are interchangeable. A player may use a winning lottery ticket to play an interactive game, where an input device (fig. 1, elem. 10) accepts the indication of a player to participate in an interactive game when a player inserts a card into an input device (col. 4, lins. 66 – 67; col. 5, lins. 1 – 2). A player may redeem a lottery ticket for winnings (col. 5, lins. 24 – 34). A central computer receives lottery ticket information and

authorizes a remote computer to allow play of an interactive game (col. 5, lins. 2 – 7) over a network. At the end of play, interactive game information is printed for a player (col. 5, lins. 21 – 27). Bouedec does not disclose the use of the internet to transmit information between a lottery central computer and a remote game terminal (Claims 3, 12), an access code (Claim 9) or user account for using a system (Claim 22), an address to connect to a central computer (Claim 9), or an encryption method (Claim 24).

However, ST-Denis teaches a method of conducting an online game where a central game server (fig. 2, elem. 74) is connected to a game terminal (fig. 2, elem. 70), via an internet connection (fig. 2, elem. 32). ST-Denis also teaches a method of accessing a central game system where a player must provide an access code in the form of a login (fig. 4, elem. 80) to an account which may provide credits based on wagers won (para. 0080), and where Internet Protocol (IP) addresses are used for remote access (Claim 4) and an encryption method is provided (para. 0134). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the generic communication network of Bouedec with the internet based communication network of ST-Denis in order to lower costs associated with network construction and increased security of online access codes, uniform addressing methods, and data encryption.

Regarding Claim 21, Bouedec discloses that an input device for playing an interactive game may be remote from a game terminal (fig. 1, elems. 10, 12).

3. Claims 11, 19 – 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouedec in view of ST-Denis (U.S. Patent ST-Denis (U.S. Patent

Application Publication US 2001/0039210 A1), and further in view of Burr (U.S. Patent 5, 222,624).

Regarding Claim 11, Bouedec discloses a lottery game system as described above, but does not disclose lottery tickets releasable coupled by lines of weakness in a fan fold stack to additional lottery tickets. However, Burr teaches a method of dispensing tickets where tickets are connected in a fan fold stack to other tickets for distribution (col. 4, lins. 17 – 23). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the generic ticket dispenser of Bouedec with the specific fan folded implementation of Burr in order to provide a reliable method of dispensing tickets to a player.

Regarding Claims 19 and 20, Bouedec discloses a lottery game system as described above, but does not disclose printing game information on a lottery ticket from a ticket dispenser. However, Burr teaches a lottery ticket dispenser with a printer for printing game information (fig. 5, elem. 116). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the generic ticket dispenser of Bouedec with a printer to capture relevant information on a lottery ticket about the activities of a player in order to provide a verified accounting of player activities and awards.

#### ***Response to Arguments***

4. Applicant's remarks have been fully considered but they are not deemed persuasive. The applicant argues that the claimed invention distinguishes over the prior art because neither Bouedec or Burr alone or in combination recite "an indication from a

player indicating the player's choice to participate in an interactive game" where an indication of a player to participate in an interactive game is sent to a central computer. The examiner respectfully disagrees. Bouedec discloses a method of playing a combination instant win lottery game followed by the play of an additional secondary interactive game. After the completion of an instant win game, a player may indicate whether to begin a secondary interactive game by inserting a played instant win game into a game console. Once the player has chosen to participate in the interactive game, information related to a player's indication to participate in the interactive game is sent to a central computer, which verifies the validity of the instant win ticket and activates a secondary interactive game (col. 5, lins. 1 – 8). The act of choosing to insert a played instant win ticket into a game console in order to initiate a secondary interactive game is a clear indication of a player's choice to participate.

The Applicant also argues that sufficient motivation does not exist to combine the references of Bouedec and Burr in this instance. The examiner respectfully disagrees. Bouedec and Burr both disclose devices which distribute instant win game tickets and are both connected to a central computer for validation. For these reasons, both Bouedec and Burr are analogous art. Additionally, Bouedec discusses a general method of ticket distribution of instant win tickets that may be used for a secondary purpose, and Burr discloses a specific method of ticket distribution without regard to further applications. Therefore, Bouedec and Burr are complementary references because they develop and specify an implementation of a general method given in each reference.

Finally, the applicant argues that the use of the Internet as an electrical link would not have been obvious in view of Bouedec and Burr, in reference to amended Claim 9. The examiner respectfully disagrees. The use of the Internet as a secure and effective data transmission medium is known in the art, and is disclosed in ST-Denis as a system of providing secure data communications between client and server game systems, such as between the remote computer, ticket dispenser, and central computer as disclosed by the applicant. The advantages of using the Internet as opposed to a dedicated, hard wired network include lower cost and ease of operation, and are discussed in ST-Denis (para. 0013).

Therefore, for all of the reasons given above, claims 1 – 7, 9 – 22, and 24 – 26 are rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

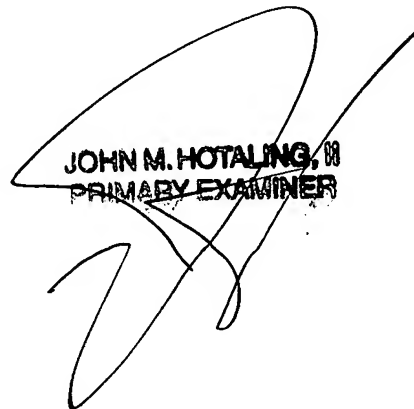


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is 571-272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

  
JOHN M. HOTALING, JR.  
PRIMARY EXAMINER